

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 6, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Linda Steinman

Commissioners Absent: Larry Hudkins

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 27, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Steinman moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated February 27, 2001. Campbell, Workman and Steinman voted aye. Heier abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 50 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Bethlehem Covenant Church
First Evangelical Covenant Church
First Lutheran Church
Sisters of St. Francis
Vital Services Inc.

MOTION: Steinman moved and Heier seconded approval of the motor vehicle tax exemptions. Steinman, Workman, Heier and Campbell voted aye.
Motion carried.

4) **APPEAL FILED ON PENALTY ASSESSED ON PERSONAL PROPERTY FOR THE FOLLOWING:**

The Summit Group

Norm Agena, County Assessor, recommended a ten percent late filing penalty for 1999 and 2000.

MOTION: Steinman moved and Heier seconded to accept the County Assessor's recommendation and assess a ten percent late filing penalty against The Summit Group for 1999 and 2000. Workman, Campbell, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT**

MOTION: Steinman moved and Workman seconded adjournment of the Board of Equalization meeting. Steinman, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 6, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Linda Steinman

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 27, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Workman moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated February 27, 2001. Campbell, Workman and Steinman voted aye. Heier abstained. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, March 6, 2001.

MOTION: Heier moved and Workman seconded approval. Heier, Campbell, Steinman and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. An exceptional circumstance award, in the amount of \$300, for Janet Martin, an employee with Lancaster Manor. (M-01-19)

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Heier and Campbell voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS CONTINUED:**

B. A one step increase, due to exceptional circumstances, for Laura Gilloon, an employee with Lancaster Manor. (M-01-18)

MOTION: Steinman moved and Heier seconded approval. Workman, Campbell, Steinman and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Automatic renewal of the following retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 5351 adopted July 2, 1996 for which the County Clerk has received no protests:

Ampride #104	Mike's 66
Big Daddy's Stop	North Forty Golf Club
Branched Oak Marina	Outpost Tavern
Crooked Creek Golf Club	P.O. Pears on the Lake
Firethorn Golf Club	Pawnee Lake Marina
Gas 'N Shop	Pla Mor Ballroom
Hi Mark Golf Club	Princeton Tavern
Hidden Valley Golf Course & Club	Shoemaker's South Truck Stop
Hillcrest Country Club	Star City Hockey L.L.C.
James Arthur Vineyards	Toni's Corner & General Store
Kramer Bar	U-Stop Convenience Shop
Lee's Restaurant	Veterans of Foreign Wars #3606
Lincoln Izaak Walton League	Yankee Doodles
Major Oil Company	Yankee Hill Country Club
Merle's Food & Drink	

The Chair opened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded approval of the automatic renewal of the retail liquor and beer licenses, as listed, with the exception of Lee's Restaurant which has been annexed into the City of Lincoln. Steinman, Workman, Heier and Campbell voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

B. Renewal of a retail liquor license for DLH, Inc. d/b/a Coaches Sports Bar & Grill for which the County Clerk has received three or more written protests, pursuant to Neb. Rev. Stat. § 53-135.01.

The Chair opened the public hearing and requested that letters contained in the County Board's packets be made a part of the record.

The Chair asked if anyone wished to provide testimony.

K.C. Engdahl, attorney representing DLH, Inc. d/b/a Coaches Sports Bar & Grill, appeared and submitted the following into the record:

1. Copy of a petition maintained at the Yankee Doodles convenience store from March 2, 2001 through March 6, 2001 (Exhibit A). The petition contains 144 total signatures in support of Cheetahs Gentleman's Club.
2. Copy of a petition maintained at Cheetahs Gentleman's Club from March 2, 2001 through March 6, 2001 (Exhibit B). The petition contains 453 signatures in support of Cheetahs Gentleman's Club.

The Chair asked if anyone else wished to provide testimony.

Wayne Giebelhaus, 4000 Folsom Street, appeared and indicated that the Yankee Hill neighborhood is opposed to the automatic renewal of the liquor license. He clarified that they were not opposed when the license was held under the Coaches Sports Bar & Grill, however, when it changed with the addition of Cheetahs the neighborhood became opposed. Giebelhaus added that no one had ever approached him or called him indicating they were in favor of the facility (Cheetahs) at the present location. He stated he feels that Cheetahs is operating illegally under the Coaches liquor license and would not qualify to be grandfathered in under the nude resolution/ordinance. It was also noted that there have been several violations.

In response to a question asked by Steinman regarding the violations, Giebelhaus stated there have been fights and liquor sold to minors.

Dr. Scott Moore, representing the Lincoln Regional Center, appeared in opposition of the renewal and indicated that it is inappropriate to have nude entertainment in the same vicinity as a daycare center, residential housing, a park and the mental hospital. He stated the Regional Center objects to the business being at its present location.

4) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Workman regarding the alteration of procedures at the Regional Center, Dr. Moore stated they have not altered any procedures, however, they are more aware of Cheetahs being at its current location.

David Johnson, Deputy County Attorney, requested that the letters of protest be marked as Exhibit C.

Terry Wagner, County Sheriff, stated he compiled statistics, consisting mostly of calls for service, from January 1, 2000 to present. He stated there were 31 calls for service at Coaches/Cheetahs from January 22, 2000 to present, noting that the two businesses are not separated because they are under the same liquor license. Many of those calls, Wagner stated, are for alarms sounding and criminal mischief in the parking lot, however, several of the calls were for disturbances and tavern violations, one of which resulted in a 20 day suspension of the liquor license in January, 2001. By comparison, the Outpost had 11 calls for service during the same period of time. Wagner added there has not been an appreciable increase in calls for service since July 25, 2000 when Cheetahs opened.

Engdahl clarified that two facilities are not operating under one liquor license. He stated there is a single liquor license and a single licensed facility, however, there is a contract between DLH, Inc. (licensee) and DTR, Inc. under which the dancers and other services are provided at Cheetahs. In terms of legality or illegality, he said, there is nothing illegal about the operation of the licensee. Engdahl stated that Coaches Sports Bar & Grill is a landlord and is operating lawfully in the State of Nebraska. He also stated the entire Yankee Hill neighborhood is not opposed to the business and noted there are three signatures on the petition(s) in support of Cheetahs. Engdahl also indicated that Dan Robinson, DTR, Inc. d/b/a Cheetahs Gentleman's Club, had requested a list of names from the Lincoln Regional Center to assist them in identifying individuals who should not be allowed to enter the business. Also addressed were the calls for service from the Sheriff's Office. Engdahl stated one event was a disturbance on July 25, 2000. A subsequent incident in October, 2000 was a disturbance for contact and resulted in a 30 day revocation and is being appealed to the District Court. He said a fight at Coaches resulted in a second suspension, which is also being appealed. The most recent incident, Engdahl explained, was an intoxicated individual involved in a fight. A hearing is scheduled before the Liquor Control Commission at the end of March.

4) **PUBLIC HEARINGS CONTINUED:**

Engdahl referred to a map denoting a 1,000 foot radius, a 3,000 foot radius and a one-mile radius around DLH, Inc. He stated the map shows that the business is not located in the middle of a neighborhood as has been represented. Engdahl contended that there is no valid basis for the County Board to conclude that DTR should be treated any differently than other establishments.

In response to a question asked by Workman regarding signatures on the petition, Engdahl stated 55 signatures are from individuals residing in the Yankee Hill and West "A" neighborhoods. Eighteen of those signatures were from individuals living in the Yankee Hill neighborhood.

Dr. Moore appeared and stated most of the sex offenders at the Regional Center are in a secured area, however, there are some who are in outpatient programs. Those individuals do have money and identification which would allow them access into Cheetahs. He also said that the Regional Center would not be interested in providing Cheetahs a list of patients' names. Lastly, Dr. Moore stated they have patients on the grounds who are vulnerable to people who are alcohol toxic and testosterone toxic.

In response to a question asked by Heier, Dr. Moore stated he didn't know how many sex offenders are on the streets. He further stated not all sex offenders remain at the Lincoln Regional Center permanently. Some reach a point, when they are well enough, to be placed back into the community.

Johnson stated both Exhibits A and B indicate that the individuals signing the petitions "do hereby freely give their signatures in support of Cheetahs Gentleman's Club". He further stated that the petitions also talk about the integrity and continuing operation of Cheetahs. Johnson stated the item before the County Board is the renewal of the liquor license for DLH, Inc., not the operation of Cheetahs.

Johnson requested that a transcript of the proceedings before the Nebraska Liquor Control Commission, dated October 19, 2000, be submitted into the record (Exhibit D). He referred to the following contained in the transcript:

- ▶ Page 38, Line 1 through Line 18.
- ▶ Page 37, Line 1 through Line 19.
- ▶ Page 31, Line 8 through Line 14.

4) **PUBLIC HEARINGS CONTINUED:**

Johnson also referred to Page 49, Line 2 through Line 6 of Exhibit D and stated the reason he was bringing that section to the Board's attention was because they are dealing with a liquor license and how the license is operated and used. He added that when the license was originally filed there was no business located in the area now occupied by DTR, Inc. d/b/a Cheetahs Gentleman's Club and the nature of the operation was not what it is currently.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded to request DLH, Inc. d/b/a Coaches Sports Bar & Grill to submit a new long form application for a liquor license, pursuant to Neb. Rev. Stat. § 53-135, based on specific information presented at the public hearing held on March 6, 2001 from the Sheriff's Office, Lincoln Regional Center and the County Attorney's office.

Campbell stated she felt it was wise to proceed through the process again to clarify the nature of the operation because it had changed from what it was originally.

ROLL CALL: Steinman, Workman, Campbell and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

A. An agreement with G.E. Financial Assurance, Long Term Care Division, for long term care coverage, beginning March 6, 2001 and ending December 31, 2001. The agreement permits G.E. Financial Assurance to have access to County employees to offer and administer the plan. (C-01-89)

MOTION: Heier moved and Workman seconded approval of the agreement with G.E. Financial Assurance, beginning March 6, 2001 and ending December 31, 2001.

David Johnson, Deputy County Attorney, stated the term of the contract should be through December 31, 2003, not 2001.

Both the maker of the motion and the seconder agreed to amend the term of agreement to read through December 31, 2003.

ROLL CALL: Heier, Workman, Campbell and Steinman voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. An agreement between the State of Nebraska, Department of Roads and the Lancaster County Engineering Department to obtain Federal approval and Federal funds for Project STPE-3305(9), Denton East, located at the southwest corner of Section 18, Township 9 North, Range 6 East and extending to the east for three miles. The County will budget \$328,820 for the project, which may increase. (C-01-99)**

MOTION: Steinman moved and Heier seconded approval. Campbell, Steinman, Workman and Heier voted aye. Motion carried.

- B. Grant of permanent easement and removal and replacement of a bridge generally located at Raymond Road and Northwest 12th Street. Roland and Hiroko Temme will receive the permanent easement and will pay up to \$9,000 for the bridge. (C-01-90)**

Don Thomas, County Engineer, explained that the County owns half of the bridge because of failure to file an easement in 1975. He explained that the landowner has agreed to pay half the cost to replace the bridge and then receive a permanent easement.

David Johnson, Deputy County Attorney, requested the following changes:

- ▶ Subsection (f) - Insert "sole" before the word "responsibility".
- ▶ Subsection (g) - Delete paragraph.

Johnson also requested that the approval be subject to obtaining the signature of Mr. Temme.

MOTION: Steinman moved and Heier seconded approval with the addition of "sole" before the word "responsibility" in Subsection (f) and the deletion Subsection (g), subject to obtaining the signature of Roland Temme. Heier, Workman, Steinman and Campbell voted aye. Motion carried.

- C. Correction of a clerical error for an agreement with Gateway Mall changing the effective date from February 23, 2001 to March 23, 2001. (C-01-79)**

MOTION: Steinman moved and Workman seconded approval. Steinman, Heier, Workman and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- D. Correction of a clerical error for County Special Permit 185 (Resolution R-01-09) and Preliminary Plat 00027 (Resolution 01-10) to change part of the legal description from Section 6 to Section 8.**

MOTION: Workman moved and Steinman seconded approval. Workman, Campbell, Steinman and Heier voted aye. Motion carried.

- E. A resolution authorizing the installation of "Dirt Road" signs on North 176th Street, one north of Greenwood Road for northbound traffic and one south of Davey Road for southbound traffic. (R-01-12)**

MOTION: Workman moved and Steinman seconded approval of Resolution 01-12. Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- F. Recommendation from the Purchasing Agent and the County Engineer to award a bid for guardrail construction to Garcia-Chicoine Enterprises, in the amount of \$99,641.60. (B-01-08)**

MOTION: Workman moved and Steinman seconded approval.

Don Thomas, County Engineer, stated the guardrail construction would cover approximately 11,000 feet of guardrail on Branched Oak Dam and also the guardrail between Raymond and North 14th Street.

ROLL CALL: Campbell, Heier, Steinman and Workman voted aye. Motion carried.

- G. Recommendation from the Purchasing Agent and the County Engineer to award a bid for culvert replacement and maintenance at various locations in the County, to Gen Mech Contractors, Inc., in the amount of \$108,919. (B-01-09)**

MOTION: Workman moved and Steinman seconded approval. Campbell, Steinman, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. Approval of the Lancaster County Board Committee Assignments for the year 2001. (M-01-22)

MOTION: Heier moved and Workman seconded approval. Campbell, Heier, Workman and Steinman voted aye. Motion carried.

I. Recommendations from the Keno Human Services Prevention Fund Advisory Committee for funding of the following agencies:

- ▶ Madonna Rehabilitation Hospital, in the amount of \$3,500, for the Helmet Safety Task Force.
- ▶ Friendship Home, in the amount of \$1,865, for the Parent Support and Education Project.
- ▶ Bright Lights, in the amount of \$1,500, for the Scholarship Program.
- ▶ Big Brothers/Big Sisters, in the amount of \$7,500, for the "School-Based Mentoring Program".
- ▶ Lincoln Interfaith Council, in the amount of \$7,500, for "Connecting Neighborhood Partnerships" which provides an alternative summer school Program for New Americans ages 5-10 years old.
- ▶ Homestead Girl Scouts, in the amount of \$5,000, for the "Zink the Zebra" program which enhances understanding of tolerance and acceptance of those who are different, including those with life threatening illnesses or disabilities.
- ▶ Lincoln Action Program, in the amount of \$7,500, for the "New American Youth Camp".
- ▶ Northeast Family Resource Center, in the amount of \$7,500, for the "Community Learning Center" which provides after school and weekend activities at Pershing and Mickle schools. (M-01-21)

MOTION: Steinman moved and Heier seconded approval. Heier, Campbell, Steinman and Workman voted aye. Motion carried.

J. Request from District Judge John A. Colborn to promote Bernadette Schmidt from a Bailiff I to a Bailiff II position at a salary of \$37,244, effective March 8, 2001. (M-01-20)

MOTION: Workman moved and Steinman seconded approval. Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

K. A political subdivision tort claim filed against the Lancaster County Corrections Department by Tycer Robinson, in the amount of \$15,000.

MOTION: Steinman moved and Heier seconded to accept the Director's recommendation and deny the tort claim filed by Tycer Robinson. Workman, Campbell, Steinman and Heier voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Setting of a public hearing for Tuesday, March 20, 2001 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor County-City Building on County Miscellaneous 00014, requested by the Director of Planning, to amend the text of the Lancaster County Subdivision Resolution to add language requiring the name and number of the Preliminary Plat upon which the Final Plat is based.

B. Right-of-way contracts relating to road improvements between the Lancaster County Engineer and the following:

- ▶ Carmi D. and Rita K. Spicer, in the total amount of \$708.03, on West Denton Road; Project C55-N-404(1). (2 contracts) (C-01-91 and C-01-94)
- ▶ Robert E. and Janice C. Rohrbaugh, in the total amount of \$571.75, on West Denton Road; Project C55-N-404(1). (2 contracts) (C-01-92 and C-01-95)
- ▶ Esther Kuster, in the total amount of \$12,186, from Roca Road to Saltillo Road; Project STPE-3265(6). (3 contracts) (C-01-93, C-01-96 and C-01-97)
- ▶ Roland and Hiroko Temme at Northwest 12th Street and Raymond; Project BRC-85. This is a land donation. (C-01-98)

MOTION: Steinman moved and Workman seconded approval of the Consent Items.

Workman asked if the time for Consent Item A should be 1:30 p.m. instead of 2:30 p.m.

7) **CONSENT ITEMS CONTINUED:**

The Clerk responded the time should be 1:30 p.m.

Both the maker of the motion and the seconder agreed to approve the Consent Items, with a time change, from 2:30 p.m. to 1:30 p.m., on Consent Item 7A.

ROLL CALL: Steinman, Workman, Heier and Campbell voted aye. Motion carried.

8) **ADJOURNMENT**

MOTION: Heier moved and Workman seconded adjournment of the Board of Commissioners meeting. Steinman, Workman, Campbell and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk